

\_\_\_\_\_ of \_\_\_\_\_

(4) "Practice of physical therapy", the examination, treatment and instruction of human beings to assess, prevent, correct, alleviate and limit physical disability, movement

Date \_\_\_\_\_

dysfunction, bodily malfunction and pain from injury, disease and any other bodily condition, such term includes, but is not limited to, the administration, interpretation and evaluation of physical therapy tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction, including the use of physical measures, activities and devices, for preventive and therapeutic purposes; and the provision of consultative, educational, research and other advisory services for the purpose of reducing the incidence and severity of physical disability, movement dysfunction, bodily malfunction and pain does not include the use of surgery or obstetrics or the administration of x-radiation, radioactive substance, diagnostic x-ray, diagnostic laboratory electrocautery, electrosurgery or invasive tests or the prescribing of any drug or medicine or the administration or dispensing of any drug or medicine other than a topical agent administered or dispensed upon the direction of a physician. Physical therapists may perform electromyography and nerve conduction tests but may not interpret the results of the electromyography or nerve conduction test. Physical therapists shall practice physical therapy within the scope of their education and training as provided in sections 334.500 to 334.620.

334.506. 1. [Nothing in this chapter shall prevent a

1 physical therapist, whose license is in good standing, from  
2 providing educational resources and training, developing fitness  
3 or wellness programs for asymptomatic persons, or providing  
4 screening or consultative services within the scope of physical  
5 therapy practice without the prescription and direction of a  
6 person licensed and registered as a physician and surgeon  
7 pursuant to this chapter, as a chiropractor pursuant to chapter  
8 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a  
9 podiatrist pursuant to chapter 330, RSMo, or any licensed and  
10 registered physician, dentist, or podiatrist practicing in  
11 another jurisdiction, whose license is in good standing, except  
12 that no physical therapist shall initiate treatment for a new  
13 injury or illness without the prescription or direction of a  
14 person licensed and registered as a physician and surgeon  
15 pursuant to this chapter, as a chiropractor pursuant to chapter  
16 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a  
17 podiatrist pursuant to chapter 330, RSMo, or any licensed and  
18 registered physician, dentist, or podiatrist practicing in  
19 another jurisdiction, whose license is in good standing.

20 2. Nothing in this chapter shall prevent a physical  
21 therapist, whose license is in good standing, from examining and  
22 treating, without the prescription and direction of a person  
23 licensed and registered as a physician and surgeon pursuant to  
24 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as

1 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant  
2 to chapter 330, RSMo, or any licensed and registered physician,  
3 dentist, or podiatrist practicing in another jurisdiction, whose  
4 license is in good standing, any person with a recurring,  
5 self-limited injury within one year of diagnosis by a person  
6 licensed and registered as a physician and surgeon pursuant to  
7 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as  
8 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant  
9 to chapter 330, RSMo, or any licensed and registered physician,  
10 dentist, or podiatrist practicing in another jurisdiction, whose  
11 license is in good standing, or any person with a chronic illness  
12 that has been previously diagnosed by a person licensed and  
13 registered as a physician and surgeon pursuant to this chapter,  
14 as a chiropractor pursuant to chapter 331, RSMo, as a dentist  
15 pursuant to chapter 332, RSMo, or a podiatrist pursuant to  
16 chapter 330, RSMo, or any licensed and registered physician,  
17 dentist, or podiatrist practicing in another jurisdiction, whose  
18 license is in good standing, except that a physical therapist  
19 shall contact the patient's current physician, chiropractor,  
20 dentist, or podiatrist, within seven days of initiating physical  
21 therapy services, pursuant to this subsection, shall not change  
22 an existing physical therapy referral available to the physical  
23 therapist without approval of the patient's current physician,  
24 chiropractor, dentist, or podiatrist, and shall refer to a person

1 licensed and registered as a physician and surgeon pursuant to  
2 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as  
3 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant  
4 to chapter 330, RSMo, or any licensed and registered physician,  
5 dentist, or podiatrist practicing in another jurisdiction, whose  
6 license is in good standing, any patient whose medical condition  
7 should, at the time of examination or treatment, be determined to  
8 be beyond the scope of practice of physical therapy. A physical  
9 therapist shall refer to a person licensed and registered as a  
10 physician and surgeon pursuant to this chapter, as a chiropractor  
11 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter  
12 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, or  
13 any licensed and registered physician, dentist, or podiatrist  
14 practicing in another jurisdiction, whose license is in good  
15 standing, any person whose condition, for which physical therapy  
16 services are rendered pursuant to this subsection, has not been  
17 documented to be progressing toward documented treatment goals  
18 after six visits or fourteen days, whichever shall come first.  
19 If the person's condition for which physical therapy services are  
20 rendered under this subsection shall be documented to be  
21 progressing toward documented treatment goals, a physical  
22 therapist may continue treatment without referral from a  
23 physician, chiropractor, dentist or podiatrist, whose license is  
24 in good standing. If treatment rendered under this subsection is

1 to continue beyond thirty days, a physical therapist shall notify  
2 the patient's current physician, chiropractor, dentist, or  
3 podiatrist before continuing treatment beyond the thirty-day  
4 limitation. A physical therapist shall also perform such  
5 notification before continuing treatment rendered under this  
6 subsection for each successive period of thirty days.] As used in  
7 this section, "approved health care provider" means a person  
8 holding a current and active license as a physician and surgeon  
9 under this chapter, a chiropractor under chapter 331, RSMo, a  
10 dentist under chapter 332, RSMo, a podiatrist under chapter 330,  
11 RSMo, a physician assistant under this chapter, or any licensed  
12 and registered physician, chiropractor, dentist, or podiatrist  
13 practicing in another jurisdiction whose license is in good  
14 standing.

15 2. A physical therapist shall not initiate treatment for a  
16 new injury or illness without a prescription from an approved  
17 health care provider.

18 3. A physical therapist may provide educational resources  
19 and training, develop fitness or wellness programs for  
20 asymptomatic persons, or provide screening or consultative  
21 services within the scope of physical therapy practice without  
22 the prescription and direction of an approved health care  
23 provider.

24 4. A physical therapist may examine and treat without the

1 prescription and direction of an approved health care provider  
2 any person with a recurring self-limited injury within one year  
3 of diagnosis by an approved health care provider or a chronic  
4 illness that has been previously diagnosed by an approved health  
5 care provider. The physical therapist shall:

6 (1) Contact the patient's current approved health care  
7 provider within seven days of initiating physical therapy  
8 services under this subsection;

9 (2) Not change an existing physical therapy referral  
10 available to the physical therapist without approval of the  
11 patient's current approved health care provider;

12 (3) Refer to an approved health care provider any patient  
13 whose medical condition at the time of examination or treatment  
14 is determined to be beyond the scope of practice of physical  
15 therapy;

16 (4) Refer to an approved health care provider any patient  
17 whose condition for which physical therapy services are rendered  
18 under this subsection has not been documented to be progressing  
19 toward documented treatment goals after six visits or fourteen  
20 days, whichever first occurs;

21 (5) Notify the patient's current approved health care  
22 provider prior to the continuation of treatment if treatment  
23 rendered under this subsection is to continue beyond thirty days.  
24 The physical therapist shall provide such notification for each

1 successive period of thirty days.

2       [3.] 5. The provision of physical therapy services of  
3 evaluation and screening pursuant to this section shall be  
4 limited to a physical therapist, and any authority for evaluation  
5 and screening granted within this section may not be delegated.  
6 Upon each reinitiation of physical therapy services, a physical  
7 therapist shall provide a full physical therapy evaluation prior  
8 to the reinitiation of physical therapy treatment. Physical  
9 therapy treatment provided pursuant to the provisions of  
10 subsection [2] 4 of this section, may be delegated by physical  
11 therapists to physical therapist assistants only if the patient's  
12 current [physician, chiropractor, dentist, or podiatrist]  
13 approved health care provider has been so informed as part of the  
14 physical therapist's seven-day notification upon reinitiation of  
15 physical therapy services as required in subsection [2] 4 of this  
16 section. Nothing in this subsection shall be construed as to  
17 limit the ability of physical therapists or physical therapist  
18 assistants to provide physical therapy services in accordance  
19 with the provisions of this chapter, and upon the referral of [a  
20 physician and surgeon licensed pursuant to this chapter, a  
21 chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to  
22 chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo,  
23 or any licensed and registered physician, dentist, or podiatrist  
24 practicing in another jurisdiction, whose license is in good



standing] an approved health care provider. Nothing in this subsection shall prohibit [a person licensed or registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing,] an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

[4.] 6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission for Accreditation of Physical Therapists and Physical Therapist Assistant Education (CAPTE) who satisfy supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry level person shall be under onsite supervision of a physical therapist.

334.525. 1. Notwithstanding any other provision of law to the contrary, any person licensed as a physical therapist or

1 physical therapist assistant under this chapter may apply to the  
2 state board of registration for the healing arts for an inactive  
3 license status on a form furnished by the board. Upon receipt of  
4 the completed inactive status application form and the board's  
5 determination that the licensee meets the requirements  
6 established by the board by rule, the board shall declare the  
7 licensee inactive and shall place the licensee on an inactive  
8 status list. A person whose license is inactive or who has  
9 discontinued his or her practice because of retirement shall not  
10 practice his or her profession within this state. Such person  
11 may continue to use the title of his or her profession or the  
12 initials of his or her profession after such person's name.

13 2. If a licensee is granted inactive status, the licensee  
14 may return to active status by notifying the board in advance of  
15 his or her intention, paying the appropriate fees, and meeting  
16 all established requirements of the board as a condition of  
17 reinstatement.

18 334.530. 1. A candidate for license to practice as a  
19 physical therapist shall be at least twenty-one years of age. A  
20 candidate shall furnish evidence of such person's good moral  
21 character and the person's educational qualifications by  
22 submitting satisfactory evidence of completion of a program of  
23 physical therapy education approved as reputable by the board. A  
24 candidate who presents satisfactory evidence of the person's

1 graduation from a school of physical therapy approved as  
2 reputable by the American Medical Association or, if graduated  
3 before 1936, by the American Physical Therapy Association, or if  
4 graduated after 1988, the Commission on Accreditation for  
5 Physical Therapy Education or its successor, is deemed to have  
6 complied with the educational qualifications of this subsection.

7       2. Persons desiring to practice as physical therapists in  
8 this state shall appear before the board at such time and place  
9 as the board may direct and be examined as to their fitness to  
10 engage in such practice. Applications for examination shall be  
11 in writing, on a form furnished by the board and shall include  
12 evidence satisfactory to the board that the applicant possesses  
13 the qualifications set forth in subsection 1 of this section.  
14 Each application shall contain a statement that it is made under  
15 oath or affirmation and that its representations are true and  
16 correct to the best knowledge and belief of the [person signing  
17 the statement] applicant, subject to the penalties of making a  
18 false affidavit or declaration.

19       3. [The board shall not issue a permanent license to  
20 practice as a physical therapist or allow any person to sit for  
21 the Missouri state board examination for physical therapists who  
22 has failed three or more times any physical therapist licensing  
23 examination administered in one or more states or territories of  
24 the United States or the District of Columbia.

1           4. The board may waive the provisions of subsection 3 if  
2 the applicant has met one of the following provisions:

3           (1) The applicant is licensed and has maintained an active  
4 clinical practice for the previous three years in another state  
5 of the United States, the District of Columbia or Canada and the  
6 applicant has achieved a passing score on a licensing examination  
7 administered in a state or territory of the United States, the  
8 District of Columbia and no license issued to the applicant has  
9 been disciplined or limited in any state or territory of the  
10 United States, the District of Columbia or Canada;

11           (2) The applicant has failed the licensure examination  
12 three times or more and then obtains a professional degree in  
13 physical therapy at a level higher than previously completed, the  
14 applicant can sit for the licensure examination three additional  
15 times.

16           5.] The examination of qualified candidates for licenses to  
17 practice physical therapy shall [include a written examination  
18 and shall embrace the subjects taught in reputable programs of  
19 physical therapy education, sufficiently strict to test the  
20 qualifications of the candidates as practitioners] test entry-  
21 level competence as related to physical therapy theory,  
22 examination and evaluation, physical therapy diagnosis,  
23 prognosis, treatment, intervention, prevention, and consultation.  
24

1           [6.] 4. The examination shall embrace, in relation to the  
2 human being, the subjects of anatomy, chemistry, kinesiology,  
3 pathology, physics, physiology, psychology, physical therapy  
4 theory and procedures as related to medicine, surgery and  
5 psychiatry, and such other subjects, including medical ethics, as  
6 the board deems useful to test the fitness of the candidate to  
7 practice physical therapy.

8           5. The applicant shall pass a test administered by the  
9 board on the laws and rules related to the practice of physical  
10 therapy in Missouri.

11           334.540. 1. The board shall issue a license to any  
12 physical therapist who ~~[is licensed]~~ possesses an active license  
13 in another jurisdiction and who has had no violations,  
14 suspensions or revocations of a license to practice physical  
15 therapy in any jurisdiction, provided that, such person is  
16 licensed in a jurisdiction whose requirements are substantially  
17 equal to, or greater than, the requirements for licensure of  
18 physical therapists in Missouri at the time the applicant applies  
19 for licensure.

20           2. Every applicant for a license pursuant to this section,  
21 upon making application and showing the necessary qualifications  
22 as provided in subsection 1 of this section, shall be required to  
23 pay the same fee as the fee required to be paid by applicants who  
24 apply to take the examination before the board. Within the

1 limits provided in this section, the board may negotiate  
2 reciprocal compacts with licensing boards of other states for the  
3 admission of licensed practitioners from Missouri in other  
4 states.

5 3. [Notwithstanding the provisions of subsections 1 and 2  
6 of this section, the board shall not issue a license to any  
7 applicant who has failed three or more times any physical  
8 therapist licensing examination administered in one or more  
9 states or territories of the United States or the District of  
10 Columbia.

11 4. The board may waive the provisions of subsection 3 if  
12 the applicant has met one of the following provisions:

13 (1) The applicant is licensed and has maintained an active  
14 clinical practice for the previous three years in another state  
15 of the United States, the District of Columbia or Canada and the  
16 applicant has achieved a passing score on a licensing examination  
17 administered in a state or territory of the United States, the  
18 District of Columbia and no license issued to the applicant has  
19 been disciplined or limited in any state or territory of the  
20 United States, the District of Columbia or Canada;

21 (2) The applicant has failed the licensure examination  
22 three times or more and then obtains a professional degree in  
23 physical therapy at a level higher than previously completed, the  
24 applicant can sit for the licensure examination three additional

1 times] The applicant shall pass a test administered by the board  
2 on the laws and rules related to practice of physical therapy in  
3 Missouri.

4 334.550. 1. An applicant who has not been previously  
5 examined in this state or another jurisdiction and meets the  
6 qualifications of subsection 1 of section 334.530, or an  
7 applicant applying for reinstatement of an inactive license under  
8 a supervised active practice, may pay a temporary license fee and  
9 submit an agreement-to-supervise form, which is signed by the  
10 applicant's supervising physical therapist, to the board and  
11 obtain without examination a nonrenewable temporary license.  
12 Such temporary licensee may only engage in the practice of  
13 physical therapy under the supervision of a licensed physical  
14 therapist. The supervising physical therapist shall hold an  
15 unencumbered license to practice physical therapy in this state  
16 and shall provide the board proof of active clinical practice in  
17 this state for a minimum of one year prior to supervising a  
18 temporary licensee. The supervising physical therapist shall not  
19 be an immediate family member of the applicant. The board shall  
20 define immediate family member and the scope of such supervision  
21 by rules and regulations. The supervising physical therapist for  
22 the first-time examinee applicant shall submit to the board a  
23 signed notarized form prescribed by the board attesting that the  
24 applicant for temporary license shall begin employment at a

1 location in this state within seven days of issuance of the  
2 temporary license. The supervising physical therapist shall  
3 notify the board within three days if the temporary licensee's  
4 employment ceases. A licensed physical therapist shall not  
5 supervise more than one temporary licensee.

6 2. The temporary license for the first-time examinee  
7 applicant shall expire on [either] the date the applicant  
8 receives the results of the applicant's initial examination, the  
9 date the applicant withdraws from sitting for the examination,  
10 the date the board is notified by the supervising physical  
11 therapist that the temporary licensee's employment has ceased, or  
12 within ninety days of its issuance, whichever occurs first.

13 3. The temporary license for the reinstatement applicant  
14 under the supervised active practice shall expire effective one  
15 year from the date of issuance.

16 334.560. The board shall charge each person who applies for  
17 examination for a license to practice as a physical therapist an  
18 examination fee. Should the examination prove unsatisfactory and  
19 the board refuse to issue a license thereon, the applicant  
20 failing to pass the examination may reapply [and return to any  
21 meeting] and be examined upon payment of a reexamination fee[;  
22 but no temporary license may be issued to such persons].

23 334.570. 1. Every person licensed under sections 334.500  
24 to 334.620 shall, on or before the registration renewal date,



1     apply to the board for a certificate of registration for the  
2     ensuing licensing period. The application shall be made under  
3     oath on a form furnished to the applicant [and shall state] by  
4     the board. The application shall include, but not be limited to,  
5     disclosure of the following:

6     \_\_\_\_\_ (1) The applicant's full name [and the address at which the  
7     person practices and the address at which the person resides and  
8     the date and number of such person's license];

9     \_\_\_\_\_ (2) The applicant's office address or addresses and  
10    telephone number or numbers;

11    \_\_\_\_\_ (3) The applicant's home address and telephone number;

12    \_\_\_\_\_ (4) The date and number of the applicant's license;

13    \_\_\_\_\_ (5) All final disciplinary actions taken against the  
14    applicant by any professional association or society, licensed  
15    hospital or medical staff of a hospital, physical therapy  
16    facility, state, territory, federal agency or county; and

17    \_\_\_\_\_ (6) Information concerning the applicant's current physical  
18    and mental fitness to practice his or her profession.

19  
20    The applicant may be required to successfully complete a test  
21    administered by the board on the laws and rules related to the  
22    practice of physical therapy. The test process, dates, and  
23    passing scores shall be established by the board by rule.

24           2. A [blank form] notice for application for registration

1 shall be [mailed] made available to each person licensed in this  
2 state [at the person's last known address of practice or  
3 residence]. The failure to [mail the form of application or the  
4 failure to receive it] receive the notice does not, however,  
5 relieve any person of the duty to register and pay the fee  
6 required by sections 334.500 to 334.620 nor exempt such person  
7 from the penalties provided by sections 334.500 to 334.620 for  
8 failure to register.

9 3. If a physical therapist does not renew such license for  
10 two consecutive renewal periods, such license shall be deemed  
11 void.

12 4. Each applicant for registration shall accompany the  
13 application for registration with a registration fee to be paid  
14 to the director of revenue for the licensing period for which  
15 registration is sought.

16 5. If the application is filed and the fee paid after the  
17 registration renewal date, a delinquent fee shall be paid; except  
18 that, whenever in the opinion of the board the applicant's  
19 failure to register is caused by extenuating circumstances  
20 including illness of the applicant, as defined by rule, the  
21 delinquent fee may be waived by the board.

22 6. Upon application and submission by such person of  
23 evidence satisfactory to the board that such person is licensed  
24 to practice in this state and upon the payment of fees required

1 to be paid by this chapter, the board shall issue to such person  
2 a certificate of registration. The certificate of registration  
3 shall contain the name of the person to whom it is issued and his  
4 or her office address, the expiration date, and the number of the  
5 license to practice.

6 7. Upon receiving such certificate, every person shall  
7 cause the certificate to be readily available or conspicuously  
8 displayed at all times in every practice location maintained by  
9 such person in the state. If the licensee maintains more than  
10 one practice location in this state, the board shall, without  
11 additional fee, issue to such licensee duplicate certificates of  
12 registration for each practice location so maintained. If any  
13 licensee changes practice locations during the period for which  
14 any certificate of registration has been issued, the licensee  
15 shall, within fifteen days thereafter, notify the board of such  
16 change and the board shall issue to the licensee, without  
17 additional fee, a new registration certificate showing the new  
18 location.

19 8. Whenever any new license is granted to any physical  
20 therapist or physical therapist assistant under the provisions of  
21 this chapter, the board shall, upon application therefore, issue  
22 to such physical therapist or physical therapist assistant a  
23 certificate of registration covering a period from the date of  
24 the issuance of the license to the next renewal date without the

1 payment of any registration fee.

2 334.601. The board shall set the amount of the fees which  
3 this chapter authorizes and requires by rule. The fees shall be  
4 set at a level to produce revenue which shall not substantially  
5 exceed the cost and expense of administering this chapter.

6 334.602. 1. Physical therapists and physical therapist  
7 assistants shall provide documentation in order that an adequate  
8 and complete patient record can be maintained. All patient  
9 records shall be legible and available for review and shall  
10 include at a minimum documentation of the following information:

11 (1) Identification of the patient, including name,  
12 birthdate, address, and telephone number;

13 (2) The date or dates the patient was seen;

14 (3) The current status of the patient, including the reason  
15 for the visit;

16 (4) Observation of pertinent physical findings;

17 (5) Assessment and clinical impression of physical therapy  
18 diagnosis;

19 (6) Plan of care and treatment;

20 (7) Documentation of progress toward goals;

21 (8) Informed consent;

22 (9) Discharge summary.

23 2. Patient records remaining under the care, custody, and  
24 control of the licensee shall be maintained by the licensee of

1 the board, or the licensee's designee, for a minimum of seven  
2 years from the date of when the last professional service was  
3 provided.

4 3. Any correction, addition, or change in any patient  
5 record shall be clearly marked and identified as such, and the  
6 date, time, and name of the person making the correction,  
7 addition, or change shall be included, as well as the reason for  
8 the correction, addition, or change.

9 4. The board shall not obtain a patient medical record  
10 without written authorization from the patient to obtain the  
11 medical record or the issuance of a subpoena for the patient  
12 medical record.

13 334.610. Any person who holds himself or herself out to be  
14 a physical therapist or a licensed physical therapist within this  
15 state or any person who advertises as a physical therapist or  
16 claims that the person can render physical therapy services and  
17 who, in fact, does not hold a valid physical therapist license is  
18 guilty of a class B misdemeanor and, upon conviction, shall be  
19 punished as provided by law. Any person who, in any manner,  
20 represents himself or herself as a physical therapist, or who  
21 uses in connection with such person's name the words or letters  
22 "physical therapist", "physiotherapist", "registered physical  
23 therapist", "doctor of physical therapy", "P.T.", "Ph.T.",  
24 "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters,

1 words, abbreviations or insignia, indicating or implying that the  
2 person is a physical therapist without a valid existing license  
3 as a physical therapist issued to such person pursuant to the  
4 provisions of sections 334.500 to 334.620, is guilty of a class B  
5 misdemeanor. Nothing in sections 334.500 to 334.620 shall  
6 prohibit any person licensed in this state under chapter 331,  
7 RSMo, from carrying out the practice for which the person is duly  
8 licensed, or from advertising the use of physiologic and  
9 rehabilitative modalities; nor shall it prohibit any person  
10 licensed or registered in this state under section 334.735 or any  
11 other law from carrying out the practice for which the person is  
12 duly licensed or registered; nor shall it prevent professional  
13 and semiprofessional teams, schools, YMCA clubs, athletic clubs  
14 and similar organizations from furnishing treatment to their  
15 players and members. This section, also, shall not be construed  
16 so as to prohibit masseurs and masseuses from engaging in their  
17 practice not otherwise prohibited by law and provided they do not  
18 represent themselves as physical therapists. This section shall  
19 not apply to physicians and surgeons licensed under this chapter  
20 or to a person in an entry level of a professional education  
21 program approved by the commission for accreditation of physical  
22 therapists and physical therapist assistant education (CAPTE) who  
23 is satisfying supervised clinical education requirements related  
24 to the person's physical therapist or physical therapist

1 assistant education while under on-site supervision of a physical  
2 therapist; or to a physical therapist who is practicing in the  
3 United States Armed Services, United States Public Health  
4 Service, or Veterans Administration under federal regulations for  
5 state licensure for health care providers.

6 334.611. Notwithstanding any other provision of law to the  
7 contrary, any qualified physical therapist who is legally  
8 authorized to practice under the laws of another state may  
9 practice as a physical therapist in this state without  
10 examination by the board or payment of any fee if such practice  
11 consists solely of the provision of gratuitous services provided  
12 for a summer camp or teaching or participating in a continuing  
13 educational seminar for a period not to exceed fourteen days in  
14 any one calendar year. Nothing in sections 334.500 to 334.625  
15 shall be construed to prohibit isolated or occasional gratuitous  
16 service to and treatment of the afflicted or to prohibit physical  
17 therapists from other nations, states, or territories from  
18 performing their duties for their respective teams or  
19 organizations during the course of their teams' or organizations'  
20 stay in this state.

21 334.612. 1. If the board finds merit to a complaint by an  
22 individual incarcerated or under the care and control of the  
23 department of corrections and takes further investigative action,  
24 no documentation shall appear on file or disciplinary action

1 shall be taken in regards to the licensee's license unless the  
2 provisions of subsection 2 of section 334.613 have been violated.  
3 Any case file documentation that does not result in the board  
4 filing an action under subsection 2 of section 334.613 shall be  
5 destroyed within three months after the final case disposition by  
6 the board. No notification to any other licensing board in  
7 another state or any national registry regarding any  
8 investigative action shall be made unless the provisions of  
9 subsection 2 of section 334.613 have been violated.

10 2. Upon written request of the physical therapist or  
11 physical therapist assistant subject to a complaint prior to  
12 August 28, 1999, by an individual incarcerated or under the care  
13 and control of the department of corrections that did not result  
14 in the board filing an action described in subsection 2 of  
15 section 334.613, the board and the division of professional  
16 registration shall in a timely fashion:

17 (1) Destroy all documentation regarding the complaint;

18 (2) If previously notified of the complaint, notify any  
19 other licensing board in another state or any national registry  
20 regarding the board's actions; and

21 (3) Send a letter to the licensee that clearly states that  
22 the board found the complaint to be unsubstantiated, that the  
23 board has taken the requested action, and notify the licensee of  
24 the provisions of subsection 3 of this section.



1       3. Any person who has been the subject of an  
2       unsubstantiated complaint as provided in subsection 1 or 2 of  
3       this section shall not be required to disclose the existence of  
4       such complaint in subsequent applications or representations  
5       relating to their practice.

6       334.613. 1. The board may refuse to issue or renew a  
7       license to practice as a physical therapist or physical therapist  
8       assistant for one or any combination of causes stated in  
9       subsection 2 of this section. The board shall notify the  
10      applicant in writing of the reasons for the refusal and shall  
11      advise the applicant of the applicant's right to file a complaint  
12      with the administrative hearing commission as provided by chapter  
13      621, RSMo. As an alternative to a refusal to issue or renew a  
14      license to practice as a physical therapist or physical therapist  
15      assistant, the board may, at its discretion, issue a license  
16      which is subject to probation, restriction, or limitation to an  
17      applicant for licensure for any one or any combination of causes  
18      stated in subsection 2 of this section. The board's order of  
19      probation, limitation, or restriction shall contain a statement  
20      of the discipline imposed, the basis therefor, the date such  
21      action shall become effective, and a statement that the applicant  
22      has thirty days to request in writing a hearing before the  
23      administrative hearing commission. If the board issues a  
24      probationary, limited, or restricted license to an applicant for

1 licensure, either party may file a written petition with the  
2 administrative hearing commission within thirty days of the  
3 effective date of the probationary, limited, or restricted  
4 license seeking review of the board's determination. If no  
5 written request for a hearing is received by the administrative  
6 hearing commission within the thirty-day period, the right to  
7 seek review of the board's decision shall be considered as  
8 waived.

9 2. The board may cause a complaint to be filed with the  
10 administrative hearing commission as provided by chapter 621,  
11 RSMo, against any holder of a license to practice as a physical  
12 therapist or physical therapist assistant who has failed to renew  
13 or has surrendered his or her license for any one or any  
14 combination of the following causes:

15 (1) Use of any controlled substance, as defined in chapter  
16 195, RSMo, or alcoholic beverage to an extent that such use  
17 impairs a person's ability to perform the work of a physical  
18 therapist or physical therapist assistant;

19 (2) The person has been finally adjudicated and found  
20 guilty, or entered a plea of guilty or nolo contendere, in a  
21 criminal prosecution under the laws of any state or of the United  
22 States, for any offense reasonably related to the qualifications,  
23 functions, or duties of a physical therapist or physical  
24 therapist assistant, for any offense an essential element of

1 which is fraud, dishonesty, or an act of violence, or for any  
2 offense involving moral turpitude, whether or not sentence is  
3 imposed;

4 (3) Use of fraud, deception, misrepresentation, or bribery  
5 in securing any certificate of registration or authority, permit,  
6 or license issued under this chapter or in obtaining permission  
7 to take any examination given or required under this chapter;

8 (4) Misconduct, fraud, misrepresentation, dishonesty,  
9 unethical conduct, or unprofessional conduct in the performance  
10 of the functions or duties of a physical therapist or physical  
11 therapist assistant, including but not limited to the following:

12 (a) Obtaining or attempting to obtain any fee, charge,  
13 tuition, or other compensation by fraud, deception, or  
14 misrepresentation; willfully and continually overcharging or  
15 overtreating patients; or charging for sessions of physical  
16 therapy which did not occur unless the services were contracted  
17 for in advance, or for services which were not rendered or  
18 documented in the patient's records;

19 (b) Attempting, directly or indirectly, by way of  
20 intimidation, coercion, or deception, to obtain or retain a  
21 patient or discourage the use of a second opinion or  
22 consultation;

23 (c) Willfully and continually performing inappropriate or  
24 unnecessary treatment or services;

1       (d) Delegating professional responsibilities to a person  
2 who is not qualified by training, skill, competency, age,  
3 experience, or licensure to perform such responsibilities;

4       (e) Misrepresenting that any disease, ailment, or infirmity  
5 can be cured by a method, procedure, treatment, medicine, or  
6 device;

7       (f) Performing services which have been declared by board  
8 rule to be of no physical therapy value;

9       (g) Final disciplinary action by any professional  
10 association, professional society, licensed hospital or medical  
11 staff of the hospital, or physical therapy facility in this or  
12 any other state or territory, whether agreed to voluntarily or  
13 not, and including but not limited to any removal, suspension,  
14 limitation, or restriction of the person's professional  
15 employment, malpractice, or any other violation of any provision  
16 of this chapter;

17       (h) Administering treatment without sufficient examination,  
18 or for other than medically accepted therapeutic or experimental  
19 or investigative purposes duly authorized by a state or federal  
20 agency, or not in the course of professional physical therapy  
21 practice;

22       (i) Engaging in or soliciting sexual relationships, whether  
23 consensual or nonconsensual, while a physical therapist or  
24 physical therapist assistant/patient relationship exists; making

1 sexual advances, requesting sexual favors, or engaging in other  
2 verbal conduct or physical contact of a sexual nature with  
3 patients or clients;

4 (j) Terminating the care of a patient without adequate  
5 notice or without making other arrangements for the continued  
6 care of the patient;

7 (k) Failing to furnish details of a patient's physical  
8 therapy records to treating physicians, other physical  
9 therapists, or hospitals upon proper request; or failing to  
10 comply with any other law relating to physical therapy records;

11 (l) Failure of any applicant or licensee, other than the  
12 licensee subject to the investigation, to cooperate with the  
13 board during any investigation;

14 (m) Failure to comply with any subpoena or subpoena duces  
15 tecum from the board or an order of the board;

16 (n) Failure to timely pay license renewal fees specified in  
17 this chapter;

18 (o) Violating a probation agreement with this board or any  
19 other licensing agency;

20 (p) Failing to inform the board of the physical therapist's  
21 or physical therapist assistant's current telephone number,  
22 residence, and business address;

23 (q) Advertising by an applicant or licensee which is false  
24 or misleading, or which violates any rule of the board, or which

1 claims without substantiation the positive cure of any disease,  
2 or professional superiority to or greater skill than that  
3 possessed by any other physical therapist or physical therapist  
4 assistant. An applicant or licensee shall also be in violation  
5 of this provision if the applicant or licensee has a financial  
6 interest in any organization, corporation, or association which  
7 issues or conducts such advertising;

8 (5) Any conduct or practice which is or might be harmful or  
9 dangerous to the mental or physical health of a patient or the  
10 public; or incompetency, gross negligence, or repeated negligence  
11 in the performance of the functions or duties of a physical  
12 therapist or physical therapist assistant. For the purposes of  
13 this subdivision, "repeated negligence" means the failure, on  
14 more than one occasion, to use that degree of skill and learning  
15 ordinarily used under the same or similar circumstances by the  
16 member of the applicant's or licensee's profession;

17 (6) Violation of, or attempting to violate, directly or  
18 indirectly, or assisting or enabling any person to violate, any  
19 provision of this chapter, or of any lawful rule adopted under  
20 this chapter;

21 (7) Impersonation of any person licensed as a physical  
22 therapist or physical therapist assistant or allowing any person  
23 to use his or her license or diploma from any school;

24 (8) Revocation, suspension, restriction, modification,

limitation, reprimand, warning, censure, probation, or other  
final disciplinary action against a physical therapist or  
physical therapist assistant for a license or other right to  
practice as a physical therapist or physical therapist assistant  
by another state, territory, federal agency or country, whether  
or not voluntarily agreed to by the licensee or applicant,  
including but not limited to the denial of licensure, surrender  
of the license, allowing the license to expire or lapse, or  
discontinuing or limiting the practice of physical therapy while  
subject to an investigation or while actually under investigation  
by any licensing authority, medical facility, branch of the armed  
forces of the United States of America, insurance company, court,  
agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled  
by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer  
to practice who is not licensed and currently eligible to  
practice under this chapter; or knowingly performing any act  
which in any way aids, assists, procures, advises, or encourages  
any person to practice physical therapy who is not licensed and  
currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical  
therapist or physical therapist assistant based upon a material  
mistake of fact;

1       (12) Failure to display a valid license pursuant to  
2 practice as a physical therapist or physical therapist assistant;

3       (13) Knowingly making, or causing to be made, or aiding, or  
4 abetting in the making of, a false statement in any document  
5 executed in connection with the practice of physical therapy;

6       (14) Soliciting patronage in person or by agents or  
7 representatives, or by any other means or manner, under the  
8 person's own name or under the name of another person or concern,  
9 actual or pretended, in such a manner as to confuse, deceive, or  
10 mislead the public as to the need or necessity for or  
11 appropriateness of physical therapy services for all patients, or  
12 the qualifications of an individual person or persons to render,  
13 or perform physical therapy services;

14       (15) Using, or permitting the use of, the person's name  
15 under the designation of "physical therapist", "physiotherapist",  
16 "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.",  
17 "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant",  
18 "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with  
19 reference to the commercial exploitation of any goods, wares or  
20 merchandise;

21       (16) Knowingly making or causing to be made a false  
22 statement or misrepresentation of a material fact, with intent to  
23 defraud, for payment under chapter 208, RSMo, or chapter 630,  
24 RSMo, or for payment from Title XVIII or Title XIX of the federal



1 Medicare program;

2 (17) Failure or refusal to properly guard against  
3 contagious, infectious, or communicable diseases or the spread  
4 thereof; maintaining an unsanitary facility or performing  
5 professional services under unsanitary conditions; or failure to  
6 report the existence of an unsanitary condition in any physical  
7 therapy facility to the board, in writing, within thirty days  
8 after the discovery thereof;

9 (18) Any candidate for licensure or person licensed to  
10 practice as a physical therapist or physical therapist assistant,  
11 paying or offering to pay a referral fee or, notwithstanding  
12 section 334.010 to the contrary, practicing or offering to  
13 practice professional physical therapy independent of the  
14 prescription and direction of a person licensed and registered as  
15 a physician and surgeon under this chapter, as a physician  
16 assistant under this chapter, as a chiropractor under chapter  
17 331, RSMo, as a dentist under chapter 332, RSMo, as a podiatrist  
18 under chapter 330, RSMo, or any licensed and registered  
19 physician, chiropractor, dentist, or podiatrist practicing in  
20 another jurisdiction, whose license is in good standing;

21 (19) Any candidate for licensure or person licensed to  
22 practice as a physical therapist or physical therapist assistant,  
23 treating or attempting to treat ailments or other health  
24 conditions of human beings other than by professional physical

1 therapy and as authorized by sections 334.500 to 334.685;

2 (20) A pattern of personal use or consumption of any  
3 controlled substance unless it is prescribed, dispensed, or  
4 administered by a physician who is authorized by law to do so;

5 (21) Failing to maintain adequate patient records under  
6 334.602;

7 (22) Attempting to engage in conduct that subverts or  
8 undermines the integrity of the licensing examination or the  
9 licensing examination process, including but not limited to  
10 utilizing in any manner recalled or memorized licensing  
11 examination questions from or with any person or entity, failing  
12 to comply with all test center security procedures, communicating  
13 or attempting to communicate with any other examinees during the  
14 test, or copying or sharing licensing examination questions or  
15 portions of questions;

16 (23) Any candidate for licensure or person licensed to  
17 practice as a physical therapist or physical therapist assistant  
18 who requests, receives, participates or engages directly or  
19 indirectly in the division, transferring, assigning, rebating or  
20 refunding of fees received for professional services or profits  
21 by means of a credit or other valuable consideration such as  
22 wages, an unearned commission, discount or gratuity with any  
23 person who referred a patient, or with any relative or business  
24 associate of the referring person;

1       (24) Being unable to practice as a physical therapist or  
2 physical therapist assistant with reasonable skill and safety to  
3 patients by reasons of incompetency, or because of illness,  
4 drunkenness, excessive use of drugs, narcotics, chemicals, or as  
5 a result of any mental or physical condition. The following  
6 shall apply to this subdivision:

7       (a) In enforcing this subdivision the board shall, after a  
8 hearing by the board, upon a finding of probable cause, require a  
9 physical therapist or physical therapist assistant to submit to a  
10 reexamination for the purpose of establishing his or her  
11 competency to practice as a physical therapist or physical  
12 therapist assistant conducted in accordance with rules adopted  
13 for this purpose by the board, including rules to allow the  
14 examination of the pattern and practice of such physical  
15 therapist's or physical therapist assistant's professional  
16 conduct, or to submit to a mental or physical examination or  
17 combination thereof by a facility or professional approved by the  
18 board;

19       (b) For the purpose of this subdivision, every physical  
20 therapist and physical therapist assistant licensed under this  
21 chapter is deemed to have consented to submit to a mental or  
22 physical examination when directed in writing by the board;

23       (c) In addition to ordering a physical or mental  
24 examination to determine competency, the board may,

1 notwithstanding any other law limiting access to medical or other  
2 health data, obtain medical data and health records relating to a  
3 physical therapist, physical therapist assistant or applicant  
4 without the physical therapist's, physical therapist assistant's  
5 or applicant's consent;

6 (d) Written notice of the reexamination or the physical or  
7 mental examination shall be sent to the physical therapist or  
8 physical therapist assistant, by registered mail, addressed to  
9 the physical therapist or physical therapist assistant at the  
10 physical therapist's or physical therapist assistant's last known  
11 address. Failure of a physical therapist or physical therapist  
12 assistant to submit to the examination when directed shall  
13 constitute an admission of the allegations against the physical  
14 therapist or physical therapist assistant, in which case the  
15 board may enter a final order without the presentation of  
16 evidence, unless the failure was due to circumstances beyond the  
17 physical therapist's or physical therapist assistant's control.  
18 A physical therapist or physical therapist assistant whose right  
19 to practice has been affected under this subdivision shall, at  
20 reasonable intervals, be afforded an opportunity to demonstrate  
21 that the physical therapist or physical therapist assistant can  
22 resume the competent practice as a physical therapist or physical  
23 therapist assistant with reasonable skill and safety to patients;

24 (e) In any proceeding under this subdivision neither the

1 record of proceedings nor the orders entered by the board shall  
2 be used against a physical therapist or physical therapist  
3 assistant in any other proceeding. Proceedings under this  
4 subdivision shall be conducted by the board without the filing of  
5 a complaint with the administrative hearing commission;

6 (f) When the board finds any person unqualified because of  
7 any of the grounds set forth in this subdivision, it may enter an  
8 order imposing one or more of the disciplinary measures set forth  
9 in subsection 3 of this section.

10 3. After the filing of such complaint before the  
11 administrative hearing commission, the proceedings shall be  
12 conducted in accordance with the provisions of chapter 621, RSMo.  
13 Upon a finding by the administrative hearing commission that the  
14 grounds provided in subsection 2 of this section for disciplinary  
15 action are met, the board may, singly or in combination:

16 (1) Warn, censure or place the physical therapist or  
17 physical therapist assistant named in the complaint on probation  
18 on such terms and conditions as the board deems appropriate for a  
19 period not to exceed ten years;

20 (2) Suspend the physical therapist's or physical therapist  
21 assistant's license for a period not to exceed three years;

22 (3) Restrict or limit the physical therapist's or physical  
23 therapist assistant's license for an indefinite period of time;

24 (4) Revoke the physical therapist's or physical therapist

1 assistant's license;

2 (5) Administer a public or private reprimand;

3 (6) Deny the physical therapist's or physical therapist  
4 assistant's application for a license;

5 (7) Permanently withhold issuance of a license;

6 (8) Require the physical therapist or physical therapist  
7 assistant to submit to the care, counseling or treatment of  
8 physicians designated by the board at the expense of the physical  
9 therapist or physical therapist assistant to be examined;

10 (9) Require the physical therapist or physical therapist  
11 assistant to attend such continuing educational courses and pass  
12 such examinations as the board may direct.

13 4. In any order of revocation, the board may provide that  
14 the physical therapist or physical therapist assistant shall not  
15 apply for reinstatement of the physical therapist's or physical  
16 therapist assistant's license for a period of time ranging from  
17 two to seven years following the date of the order of revocation.  
18 All stay orders shall toll this time period.

19 5. Before restoring to good standing a license issued under  
20 this chapter which has been in a revoked, suspended, or inactive  
21 state for any cause for more than two years, the board may  
22 require the applicant to attend such continuing medical education  
23 courses and pass such examinations as the board may direct.

24 6. In any investigation, hearing or other proceeding to

1 determine a physical therapist's, physical therapist assistant's  
2 or applicant's fitness to practice, any record relating to any  
3 patient of the physical therapist, physical therapist assistant,  
4 or applicant shall be discoverable by the board and admissible  
5 into evidence, regardless of any statutory or common law  
6 privilege which such physical therapist, physical therapist  
7 assistant, applicant, record custodian, or patient might  
8 otherwise invoke. In addition, no such physical therapist,  
9 physical therapist assistant, applicant, or record custodian may  
10 withhold records or testimony bearing upon a physical  
11 therapist's, physical therapist assistant's, or applicant's  
12 fitness to practice on the ground of privilege between such  
13 physical therapist, physical therapist assistant, applicant, or  
14 record custodian and a patient.

15 334.614. 1. Notwithstanding any other provisions of  
16 section 620.010, RSMo, to the contrary, the board shall at least  
17 quarterly publish a list of the names and addresses of all  
18 physical therapists and physical therapist assistants who hold  
19 licenses under the provisions of this chapter, and shall publish  
20 a list of all physical therapists and physical therapist  
21 assistants whose licenses have been suspended, revoked,  
22 surrendered, restricted, denied, or withheld.

23 2. Notwithstanding any other provisions of section 620.010,  
24 RSMo, to the contrary, in addition, the board shall prepare and

1 make available to the public a report upon the disciplinary  
2 matters submitted to them where the board recommends disciplinary  
3 action, except in those instances when physical therapists and  
4 physical therapist assistants possessing licenses voluntarily  
5 enter treatment and monitoring programs for purposes of  
6 rehabilitation and, in such instances, only such specific action  
7 shall not be reported with any other actions taken prior to, as  
8 part of, or following voluntary entrance into such treatment  
9 programs. The report shall set forth findings of fact and any  
10 final disciplinary actions of the board. If the board does not  
11 recommend disciplinary action, a report stating that no action is  
12 recommended shall be prepared and forwarded to the complaining  
13 party.

14 334.615. 1. Upon receipt of information that the holder of  
15 any license as a physical therapist or physical therapist  
16 assistant issued under this chapter may present a clear and  
17 present danger to the public health and safety, the executive  
18 director shall direct that the information be brought to the  
19 board in the form of sworn testimony or affidavits during a  
20 meeting of the board.

21 2. The board may issue an order suspending or restricting  
22 the holder of a license as a physical therapist or physical  
23 therapist assistant if it believes:

24 (1) The licensee's acts, conduct, or condition may have



1 violated subsection 2 of section 334.613; and

2 (2) A licensee is practicing, attempting, or intending to  
3 practice in Missouri; and

4 (3) (a) A licensee is unable by reason of any physical or  
5 mental condition to receive and evaluate information or to  
6 communicate decisions to the extent that the licensee's condition  
7 or actions significantly affect the licensee's ability to  
8 practice; or

9 (b) Another state, territory, federal agency, or country  
10 has issued an order suspending or restricting the physical  
11 therapist's or physical therapist assistant's right to practice  
12 his or her profession; or

13 (c) The licensee has engaged in repeated acts of life-  
14 threatening negligence as defined in subsection 2 of section  
15 334.613; and

16 (4) The acts, conduct, or condition of the licensee  
17 constitute a clear and present danger to the public health and  
18 safety.

19 3. (1) The order of suspension or restriction:

20 (a) Shall be based on the sworn testimony or affidavits  
21 presented to the board;

22 (b) May be issued without notice and hearing to the  
23 licensee;

24 (c) Shall include the facts which lead the board to

1 conclude that the acts, conduct, or condition of the licensee  
2 constitute a clear and present danger to the public health and  
3 safety.

4 (2) The board or the administrative hearing commission  
5 shall serve the licensee, in person or by certified mail, with a  
6 copy of the order of suspension or restriction and all sworn  
7 testimony or affidavits presented to the board, a copy of the  
8 complaint and the request for expedited hearing, and a notice of  
9 the place of and the date upon which the preliminary hearing will  
10 be held.

11 (3) The order of restriction shall be effective upon  
12 service of the documents required in subdivision (2) of this  
13 subsection.

14 (4) The order of suspension shall become effective upon the  
15 entry of the preliminary order of the administrative hearing  
16 commission.

17 (5) The licensee may seek a stay order from the circuit  
18 court of Cole County from the preliminary order of suspension,  
19 pending the issuance of a final order by the administrative  
20 hearing commission.

21 4. The board shall file a complaint in the administrative  
22 hearing commission with a request for expedited preliminary  
23 hearing and shall certify the order of suspension or restriction  
24 and all sworn testimony or affidavits presented to the board.

1 Immediately upon receipt of a complaint filed under this section,  
2 the administrative hearing commission shall set the place and  
3 date of the expedited preliminary hearing which shall be  
4 conducted as soon as possible, but not later than five days after  
5 the date of service upon the licensee. The administrative  
6 hearing commission shall grant a licensee's request for a  
7 continuance of the preliminary hearing; however, the board's  
8 order shall remain in full force and effect until the preliminary  
9 hearing, which shall be held not later than forty-five days after  
10 service of the documents required in subdivision (2) of  
11 subsection 3 of this section.

12 5. At the preliminary hearing, the administrative hearing  
13 commission shall receive into evidence all information certified  
14 by the board and shall only hear evidence on the issue of whether  
15 the board's order of suspension or restriction should be  
16 terminated or modified. Within one hour after the preliminary  
17 hearing, the administrative hearing commission shall issue its  
18 oral or written preliminary order, with or without findings of  
19 fact and conclusions of law, that adopts, terminates, or modifies  
20 the board's order. The administrative hearing commission shall  
21 reduce to writing any oral preliminary order within five business  
22 days, but the effective date of the order shall be the date  
23 orally issued.

24 6. The preliminary order of the administrative hearing

1 commission shall become a final order and shall remain in effect  
2 for three years unless either party files a request for a full  
3 hearing on the merits of the complaint filed by the board within  
4 thirty days from the date of the issuance of the preliminary  
5 order of the administrative hearing commission.

6 7. Upon receipt of a request for full hearing, the  
7 administrative hearing commission shall set a date for hearing  
8 and notify the parties in writing of the time and place of the  
9 hearing. If a request for full hearing is timely filed, the  
10 preliminary order of the administrative hearing commission shall  
11 remain in effect until the administrative hearing commission  
12 enters an order terminating, modifying, or dismissing its  
13 preliminary order or until the board issues an order of  
14 discipline following its consideration of the decision of the  
15 administrative hearing commission under section 621.110, RSMo,  
16 and subsection 3 of section 334.100.

17 8. In cases where the board initiates summary suspension or  
18 restriction proceedings against a physical therapist or physical  
19 therapist assistant licensed under this chapter, and such  
20 petition is subsequently denied by the administrative hearing  
21 commission, in addition to any award made under sections 536.085  
22 and 536.087, RSMo, the board, but not individual members of the  
23 board, shall pay actual damages incurred during any period of  
24 suspension or restriction.

1       9. Notwithstanding the provisions of this chapter or  
2 chapter 610, RSMo, or chapter 621, RSMo, to the contrary, the  
3 proceedings under this section shall be closed and no order shall  
4 be made public until it is final, for purposes of appeal.

5       10. The burden of proving the elements listed in subsection  
6 2 of this section shall be upon the state board of registration  
7 for the healing arts.

8       334.616. 1. A license issued under this chapter by the  
9 Missouri state board of registration for the healing arts shall  
10 be automatically revoked at such time as the final trial  
11 proceedings are concluded whereby a licensee has been adjudicated  
12 and found guilty, or has entered a plea of guilty or nolo  
13 contendere, in a felony criminal prosecution under the laws of  
14 the state of Missouri, the laws of any other state, or the laws  
15 of the United States of America for any offense reasonably  
16 related to the qualifications, functions or duties of their  
17 profession, or for any felony offense, an essential element of  
18 which is fraud, dishonesty or an act of violence, or for any  
19 felony offense involving moral turpitude, whether or not sentence  
20 is imposed, or, upon the final and unconditional revocation of  
21 the license to practice their profession in another state or  
22 territory upon grounds for which revocation is authorized in this  
23 state following a review of the record of the proceedings and  
24 upon a formal motion of the state board of registration for the

1 healing arts. The license of any such licensee shall be  
2 automatically reinstated if the conviction or the revocation is  
3 ultimately set aside upon final appeal in any court of competent  
4 jurisdiction.

5 2. Anyone who has been denied a license, permit, or  
6 certificate to practice in another state shall automatically be  
7 denied a license to practice in this state. However, the board  
8 of healing arts may set up other qualifications by which such  
9 person may ultimately be qualified and licensed to practice in  
10 Missouri.

11 334.617. 1. Upon application by the board and the  
12 necessary burden having been met, a court of general jurisdiction  
13 may grant an injunction, restraining order, or other order as may  
14 be appropriate to enjoin a person from:

15 (1) Offering to engage or engaging in the performance of  
16 any acts or practices for which a license is required by chapters  
17 334.500 to 334.687 upon a showing that such acts or practices  
18 were performed or offered to be performed without a license; or

19 (2) Engaging in any practice or business authorized by a  
20 license issued under chapters 334.500 to 334.687 upon a showing  
21 that the holder presents a substantial probability of serious  
22 danger to the health, safety, or welfare of any resident of the  
23 state or client or patient of the licensee.

24 2. Any such action shall be commenced in the county in

1 which such conduct occurred or in the county in which the  
2 defendant resides or Cole County.

3 3. Any action brought under this section shall be in  
4 addition to and not in lieu of any penalty provided by chapters  
5 334.500 to 334.687 and may be brought concurrently with other  
6 actions to enforce chapters 334.500 to 334.687.

7 334.618. Upon receiving information that any provision of  
8 sections 334.500 to 334.687 has been or is being violated, the  
9 executive director of the board or other person designated by the  
10 board shall investigate, and upon probable cause appearing, the  
11 executive director shall, under the direction of the board, file  
12 a complaint with the administrative hearing commission or  
13 appropriate official or court. All such complaints shall be  
14 handled as provided by rule promulgated under subdivision (6) of  
15 subsection 16 of section 620.010, RSMo.

16 334.650. 1. After January 1, 1997, no person shall hold  
17 himself or herself out as being a physical therapist assistant in  
18 this state unless the person is licensed as provided in sections  
19 334.650 to 334.685.

20 2. A licensed physical therapist shall direct and supervise  
21 a physical therapist assistant [at all times. The licensed  
22 physical therapist shall have the responsibility of supervising  
23 the physical therapy treatment program]. The physical therapist  
24 shall retain ultimate authority and responsibility for the

1 physical therapy treatment. The licensed physical therapist  
2 shall have the responsibility of supervising the physical therapy  
3 treatment program. No physical therapist may establish a  
4 treating office in which the physical therapist assistant is the  
5 primary care provider. No licensed physical therapist shall have  
6 under their direct supervision more than four full-time  
7 equivalent physical therapist assistants.

8 334.655. 1. A candidate for licensure to practice as a  
9 physical therapist assistant shall be at least nineteen years of  
10 age. A candidate shall furnish evidence of the person's good  
11 moral character and of the person's educational qualifications.  
12 The educational requirements for licensure as a physical  
13 therapist assistant are:

14 (1) A certificate of graduation from an accredited high  
15 school or its equivalent; and

16 (2) Satisfactory evidence of completion of an associate  
17 degree program of physical therapy education accredited by the  
18 commission on accreditation of physical therapy education.

19 2. Persons desiring to practice as a physical therapist  
20 assistant in this state shall appear before the board at such  
21 time and place as the board may direct and be examined as to the  
22 person's fitness to engage in such practice. Applications for  
23 examination shall be [in writing,] on a form furnished by the  
24 board and shall include evidence satisfactory to the board that



1 the applicant possesses the qualifications provided in subsection  
2 1 of this section. Each application shall contain a statement  
3 that the statement is made under oath of affirmation and that its  
4 representations are true and correct to the best knowledge and  
5 belief of the person signing the statement, subject to the  
6 penalties of making a false affidavit or declaration.

7 3. The examination of qualified candidates for licensure to  
8 practice as physical therapist assistants shall embrace [a  
9 written] an examination [and] which shall cover the curriculum  
10 taught in accredited associate degree programs of physical  
11 therapy assistant education. Such examination shall be  
12 sufficient to test the qualification of the candidates as  
13 practitioners.

14 4. [The board shall not issue a license to practice as a  
15 physical therapist assistant or allow any person to sit for the  
16 Missouri state board examination for physical therapist  
17 assistants who has failed three or more times any physical  
18 therapist licensing examination administered in one or more  
19 states or territories of the United States or the District of  
20 Columbia.

21 5. The board may waive the provisions of subsection 4 if  
22 the applicant has met one of the following provisions: the  
23 applicant is licensed and has maintained an active clinical  
24 practice for the previous three years in another state of the

1 United States, the District of Columbia or Canada and the  
2 applicant has achieved a passing score on a licensing examination  
3 administered in a state or territory of the United States, the  
4 District of Columbia and no license issued to the applicant has  
5 been disciplined or limited in any state or territory of the  
6 United States, the District of Columbia or Canada.

7       6.] The examination shall include, as related to the human  
8 body, the subjects of anatomy, kinesiology, pathology,  
9 physiology, psychology, physical therapy theory and procedures as  
10 related to medicine and such other subjects, including medical  
11 ethics, as the board deems useful to test the fitness of the  
12 candidate to practice as a physical therapist assistant.

13       5. The applicant shall pass a test administered by the  
14 board on the laws and rules related to the practice as a physical  
15 therapist assistant in this state.

16       [7.] 6. The board shall license without examination any  
17 legally qualified person who is a resident of this state and who  
18 was actively engaged in practice as a physical therapist  
19 assistant on August 28, 1993. The board may license such person  
20 pursuant to this subsection until ninety days after the effective  
21 date of this section.

22       [8.] 7. A candidate to practice as a physical therapist  
23 assistant who does not meet the educational qualifications may  
24 submit to the board an application for examination if such person

1 can furnish written evidence to the board that the person has  
2 been employed in this state for at least three of the last five  
3 years under the supervision of a licensed physical therapist and  
4 such person possesses the knowledge and training equivalent to  
5 that obtained in an accredited school. The board may license  
6 such persons pursuant to this subsection until ninety days after  
7 rules developed by the state board of healing arts regarding  
8 physical therapist assistant licensing become effective.

9 334.660. 1. The board shall license without examination  
10 legally qualified persons who ~~[hold]~~ possess active certificates  
11 of licensure, registration or certification in any state or  
12 territory of the United States or the District of Columbia, who  
13 have had no violations, suspensions or revocations of such  
14 license, registration or certification, if such persons have  
15 passed ~~[a written]~~ an examination to practice as a physical  
16 therapist assistant that was substantially equal to the  
17 examination requirements of this state and in all other aspects,  
18 including education, the requirements for such certificates of  
19 licensure, registration or certification were, at the date of  
20 issuance, substantially equal to the requirements for licensure  
21 in this state.

22 2. ~~[The board shall not issue a license to any applicant~~  
23 ~~who has failed three or more times any physical therapist~~  
24 ~~assistant licensing examination administered in one or more~~

1 states or territories of the United States or the District of  
2 Columbia.

3 3. The board may waive the provisions of subsection 1 if  
4 the applicant has met one of the following provisions: the  
5 applicant is licensed and has maintained an active clinical  
6 practice for the previous three years in another state of the  
7 United States, the District of Columbia or Canada and the  
8 applicant has achieved a passing score on a licensing examination  
9 administered in a state or territory of the United States, the  
10 District of Columbia and no license issued to the applicant has  
11 been disciplined or limited in any state or territory of the  
12 United States, the District of Columbia or Canada.

13 4.] Every applicant for a license pursuant to this section,  
14 upon making application and providing documentation of the  
15 necessary qualifications as provided in this section, shall pay  
16 the same fee required of applicants to take the examination  
17 before the board. Within the limits of this section, the board  
18 may negotiate reciprocal contracts with licensing boards of other  
19 states for the admission of licensed practitioners from Missouri  
20 in other states.

21 3. The applicant shall successfully pass a test  
22 administered by the board on the laws and rules related to  
23 practice as a physical therapist assistant in this state.

24 334.665. 1. An applicant who has not been previously

1 examined in another jurisdiction and meets the qualifications of  
2 subsection 1 of section 334.655 or an applicant applying for  
3 reinstatement of an inactive license under a supervised active  
4 practice may pay a temporary license fee and submit an  
5 agreement-to-supervise form which is signed by the applicant's  
6 supervising physical therapist to the board and obtain without  
7 examination a nonrenewable temporary license. Such temporary  
8 licensee may only practice under the supervision of a licensed  
9 physical therapist. The supervising physical therapist shall  
10 hold an unencumbered license to practice physical therapy in the  
11 state of Missouri and shall provide the board proof of active  
12 clinical practice in the state of Missouri for a minimum of one  
13 year prior to supervising the temporary licensee. The  
14 supervising physical therapist shall not be an immediate family  
15 member of the applicant. The board shall define immediate family  
16 member and the scope of such supervision by rule. The  
17 supervising physical therapist for the first-time examinee  
18 applicant shall submit to the board a signed notarized form  
19 prescribed by the board attesting that the applicant for  
20 temporary license shall begin employment at a location in this  
21 state within seven days of issuance of the temporary license.  
22 The supervising physical therapist shall notify the board within  
23 three days if the temporary licensee's employment ceases. A  
24 licensed physical therapist shall supervise no more than one

1 temporary licensee. [The board shall define the scope of such  
2 supervision by rules and regulations.]

3 2. The temporary license for the first-time examinee  
4 applicant shall expire on [either] the date the applicant  
5 receives the results of the applicant's initial examination, the  
6 date the applicant withdraws from sitting for the examination,  
7 the date the board is notified by the supervising physical  
8 therapist that the temporary licensee's employment has ceased, or  
9 within ninety days of its issuance, whichever occurs first.

10 3. The temporary license for the reinstatement applicant  
11 under the supervised active practice shall expire effective one  
12 year from the date of issuance.

13 334.670. The board shall charge a person, who applies for  
14 examination for a license to practice as a physical therapist  
15 assistant, an examination fee. If the person does not score a  
16 passing grade on the examination, the board may refuse to issue a  
17 license. Any applicant who fails to pass the examination may  
18 reapply and be reexamined upon payment of a reexamination fee.

19 [No temporary license may be issued to any person who has  
20 previously failed the examination in Missouri or any other state  
21 or jurisdiction.]

22 334.675. 1. Every person licensed pursuant to sections  
23 334.650 to 334.685 shall, on or before the licensing renewal  
24 date, apply to the board for a certificate of licensure for the

1 next licensing period. The application for renewal shall be made  
2 under oath on a form furnished to the applicant [and shall state]  
3 by the board. The application shall include, but not be limited  
4 to, disclosure of the following:

5 \_\_\_\_\_ (1) The applicant's full name [and the address at which the  
6 applicant practices and the address at which the applicant  
7 resides and];

8 \_\_\_\_\_ (2) The applicant's office address or addresses and  
9 telephone number or numbers;

10 \_\_\_\_\_ (3) The applicant's home address and telephone number;

11 \_\_\_\_\_ (4) The date and number of the applicant's license;

12 \_\_\_\_\_ (5) All final disciplinary actions taken against the  
13 applicant by any professional association or society, licensed  
14 hospital or medical staff of the hospital, physical therapy  
15 facility, state, territory, federal agency or country; and

16 \_\_\_\_\_ (6) Information concerning the applicant's current physical  
17 and mental fitness to practice the applicant's profession.

18  
19 The applicant may be required to successfully complete a test  
20 administered by the board on the laws and rules related to the  
21 practice of physical therapy in this state. The test process,  
22 dates, and passing scores shall be established by the board by  
23 rule.

24 2. A [blank application form] notice shall be [mailed] made

1 available to each person licensed in this state [pursuant to  
2 sections 334.650 to 334.685 at the person's last known address of  
3 practice or residence. The failure to mail the application for  
4 or the failure to receive the application form]. The failure to  
5 receive the notice does not relieve any person of the duty to  
6 renew the person's license and pay the renewal fee as required by  
7 sections 334.650 to 334.685 nor shall it exempt the person from  
8 the penalties provided by sections 334.650 to 334.685 for failure  
9 to renew a license.

10 3. If a physical therapist assistant does not renew such  
11 license for two consecutive renewal periods, such license shall  
12 be deemed voided.

13 4. Each applicant for registration shall accompany the  
14 application for registration with a registration fee to be paid  
15 to the director of revenue for the licensing period for which  
16 registration is sought.

17 5. If the application is filed and the fee paid after the  
18 registration renewal date, a delinquent fee shall be paid; except  
19 that, if in the opinion of the board the applicant's failure to  
20 register is caused by extenuating circumstances, including  
21 illness of the applicant as defined by rule, the delinquent fee  
22 may be waived by the board.

23 6. Upon due application therefore and upon submission by  
24 such person of evidence satisfactory to the board that he or she



1 is licensed to practice in this state and upon the payment of  
2 fees required to be paid by this chapter, the board shall issue  
3 to such person a certificate of registration. The certificate of  
4 registration shall contain the name of the person to whom it is  
5 issued and his or her office address, the expiration date, and  
6 the number of the license to practice.

7 7. Upon receiving such certificate, every person shall  
8 cause it to be readily available or conspicuously displayed at  
9 all times in every practice location maintained by such licensee  
10 in the state. If the licensee maintains more than one practice  
11 location in this state, the board shall without additional fee  
12 issue to them duplicate certificates of registration for each  
13 practice location so maintained. If any licensee changes  
14 practice locations during the period for which any certificate of  
15 registration has been issued, such licensee shall, within fifteen  
16 days thereafter, notify the board of such change and the board  
17 shall issue to the licensee, without additional fee, a new  
18 registration certificate showing the new location.

19 8. Whenever any new license is granted to any physical  
20 therapist or physical therapist assistant under the provisions of  
21 this chapter, the board shall, upon application therefore, issue  
22 to such physical therapist or physical therapist assistant a  
23 certificate of registration covering a period from the date of  
24 the issuance of the license to the next renewal date without the

1 payment of any registration fee.

2 334.686. Any person who holds himself or herself out to be  
3 a physical therapist assistant or a licensed physical therapist  
4 assistant within this state or any person who advertises as a  
5 physical therapist assistant and who, in fact, does not hold a  
6 valid physical therapist assistant license is guilty of a class B  
7 misdemeanor and, upon conviction, shall be punished as provided  
8 by law. Any person who, in any manner, represents himself or  
9 herself as a physical therapist assistant, or who uses in  
10 connection with such person's name the words or letters,  
11 "physical therapist assistant", the letters "P.T.A.", "L.P.T.A.",  
12 "C.P.T.A.", or any other letters, words, abbreviations or  
13 insignia, indicating or implying that the person is a physical  
14 therapist assistant without a valid existing license as a  
15 physical therapist assistant issued to such person under the  
16 provisions of sections 334.500 to 334.620, is guilty of a class B  
17 misdemeanor. This section shall not apply to physicians and  
18 surgeons licensed under this chapter or to a person in an entry  
19 level of a professional education program approved by the  
20 Commission for Accreditation of Physical Therapists and Physical  
21 Therapist Assistant Education (CAPTE) who is satisfying  
22 supervised clinical education requirements related to the  
23 person's physical therapist or physical therapist assistant  
24 education while under onsite supervision of a physical therapist;

1 or to a physical therapist who is practicing in the United States  
2 Armed Forces, United States Public Health Service, or Veterans  
3 Administration under federal regulations for state licensure for  
4 health care providers.

5 334.687. 1. For purposes of this section, the licensing of  
6 physical therapists and physical therapist assistants shall take  
7 place within processes established by the state board of  
8 registration for the healing arts through rules. The board of  
9 healing arts is authorized to adopt rules establishing licensing  
10 and renewal procedures, supervision of physical therapist  
11 assistants, and former licensees who wish to return to the  
12 practice of physical therapy, fees, and addressing such other  
13 matters as are necessary to protect the public and discipline the  
14 profession.

15 2. Any rule or portion of a rule, as that term is defined  
16 in section 536.010, RSMo, that is created under the authority  
17 delegated in this section shall become effective only if it  
18 complies with and is subject to all of the provisions of chapter  
19 536, RSMo, and, if applicable, section 536.028, RSMo. This  
20 section and chapter 536, RSMo, are nonseverable and if any of the  
21 powers vested with the general assembly pursuant to chapter 536,  
22 RSMo, to review, to delay the effective date, or to disapprove  
23 and annul a rule are subsequently held unconstitutional, then the  
24 grant of rulemaking authority and any rule proposed or adopted

1     after August 28, 2008, shall be invalid and void."; and

2             Further amend said title, enacting clause and intersectional  
3     references accordingly.